SAN BRUNO COMMUNITY FOUNDATION

AGENDA

SAN BRUNO COMMUNITY FOUNDATION

Special Meeting of the Board of Directors

July 17, 2014 5:30 p.m.

Meeting Location: San Bruno City Hall, Conference Room 115, 567 El Camino Real, San Bruno

In compliance with the Americans with Disabilities Act, individuals requiring reasonable accommodations or appropriate alternative formats for notices, agendas, and records for this meeting should notify us 48 hours prior to meeting. Please call the City Clerk's Office 650-616-7058.

- 1. Call to Order/Welcome
- 2. Roll Call
- **3. Public Comment:** Individuals are allowed three minutes, groups in attendance, five minutes. If you are unable to remain at the meeting, contact the President to request that the Board consider your comments earlier. It is the Board's policy to refer matters raised in this forum to staff for research and/or action where appropriate. The Brown Act prohibits the Board from discussing or acting upon any matter not agendized pursuant to State Law.
- 4. Conduct of Business
 - Conduct Study Session to Discuss Purpose Statement of the San Bruno Community Foundation
- 5. Adjourn

SAN BRUNO COMMUNITY FOUNDATION

AGENDA

SAN BRUNO COMMUNITY FOUNDATION

Regular Meeting of the Board of Directors

July 17, 2014 6:30 p.m.

Meeting Location: San Bruno City Hall, Conference Room 115, 567 El Camino Real, San Bruno

In compliance with the Americans with Disabilities Act, individuals requiring reasonable accommodations or appropriate alternative formats for notices, agendas, and records for this meeting should notify us 48 hours prior to meeting. Please call the City Clerk's Office 650-616-7058.

- 1. Call to Order/Welcome
- 2. Roll Call
- 3. Approval of Minutes: June 19, 2014, Regular Board Meeting
- 4. Announcements
- 5. Boardmember Comments
 - a. President
 - b. Others
- **6. Consent Calendar:** All items are considered routine or implement an earlier Board action and may be enacted by one motion; there will be no separate discussion unless requested by a Boardmember, citizen, or staff.

7. Conduct of Business

- a. Receive Report from Board Committee Regarding Recruitment and Selection of Executive Director; Consider Selection of The 360 Group to Provide Executive Recruitment Services to the SBCF
- b. Receive Oral Report from City Treasurer Regarding Investment Status and Strategy
- c. Receive Report and Provide Direction Regarding Operating Norms and Policies

- d. Receive Oral Report and Consider Canceling Regular Meeting of August 21, 2014
- **8. Public Comment:** Individuals are allowed three minutes, groups in attendance, five minutes. If you are unable to remain at the meeting, contact the President to request that the Board consider your comments earlier. It is the Board's policy to refer matters raised in this forum to staff for research and/or action where appropriate. The Brown Act prohibits the Board from discussing or acting upon any matter not agendized pursuant to State Law.
- 9. Adjourn

SAN BRUNO COMMUNITY FOUNDATION

MINUTES

SAN BRUNO COMMUNITY FOUNDATION

Regular Meeting of the Board of Directors

June 19, 2014 6:30 p.m.

Meeting Location: San Bruno City Hall, Conference Room 115, 567 El Camino Real, San Bruno

In compliance with the Americans with Disabilities Act, individuals requiring reasonable accommodations or appropriate alternative formats for notices, agendas, and records for this meeting should notify us 48 hours prior to meeting. Please call the City Clerk's Office 650-616-7058.

1. Call to Order/Welcome

- **2. Roll Call:** Boardmembers Kraus, McGlothlin, Roberts, Cohn, Bohm, Hedley, and Stanback Stroud present.
- **3.** Approval of Minutes: May 15, 2014, Regular Board Meeting: Boardmember Hedley motioned to approve the May 15, 2014 Regular Board Meeting minutes as presented, seconded by Boardmember Bohm and approved unanimously.
- 4. Announcements: None.

5. Boardmember Comments:

- a. President: President Kraus thanked the ad hoc committee for their work and Treasurer Cohn for the wonderful presentation to City Council.
- b. Others: None.
- **6. Consent Calendar:** All items are considered routine or implement an earlier Board action and may be enacted by one motion; there will be no separate discussion unless requested by a Boardmember, citizen, or staff.
 - a. Adopt Resolution Ratifying Appointment of an Ad Hoc Board Committee to develop a Selection Process for an Executive Director: Boardmember Stanback Stroud motioned to adopt the resolution ratifying appointment of an Ad Hoc Board Committee consisting of President Kraus, Boardmembers Stanback Stroud and Hedley, to develop a selection process for an Executive Director, seconded by Secretary Roberts and approved unanimously.

7. Conduct of Business

a. Receive Report Regarding June 10, 2014 City Council Review of 501(c)(3) Application and Three-Year Budget: Staff reported that the presentation to the City Council of the 501(c)(3) Application and Three-Year Budget was well received and Council adopted the resolution approving the three-year budget. President Kraus motioned to direct staff to file the signed

- 501(c)(3) Application on behalf of the Board, seconded by Boardmember McGlothlin and approved unanimously.
- b. Provide Direction to Board Committee Regarding Recruitment and Selection of Executive Director: After an informal meeting, the ad hoc committee reported their collective desire to solicit several search firms in order to bring on an executive consultant to help develop a job description and carry out the wishes of the Board in the recruitment of an Executive Director. Having an executive consultant will provide a layer of credibility and help tap into the professional network of Executive Directors. The applications, interviews and final selection will be at the discretion of the SBCF Board.
- c. Discuss Potential Topics and Date for Board Study Session Regarding Three-Year Operating Plan and SBCF Operating Norms: The Executive Committee will work with staff to prioritize several topics of interest and decide on an early start time for the July meeting. A Board consensus on the mission of the organization will provide greater opportunity for moving forward and addressing several other items such as agenda setting, officer selection procedures, branding, logo, etc.
- d. Receive Report and Consider Cancelling Regular Meeting of August 21, 2014: The Board will revisit this again in July. Boardmember Bohm noted that she will not be in attendance for the July 18th meeting.
- **8. Public Comment:** Individuals are allowed three minutes, groups in attendance, five minutes. If you are unable to remain at the meeting, contact the President to request that the Board consider your comments earlier. It is the Board's policy to refer matters raised in this forum to staff for investigation and/or action where appropriate. The Brown Act prohibits the Board from discussing or acting upon any matter not agendized pursuant to State Law.

Barry Marquardt of the Marine Corps Detachment offered any assistance the SBCF may need. Stephanie Xavier of San Bruno attended the meeting.

9. Adjourn

Boardmember Stanback Stroud motioned to adjourn the meeting at 7:24 p.m., seconded by Boardmember McGlothlin and approved unanimously.

Respectfully submitted for approval at the Regular Board Meeting of July 17, 2014, by Secretary Emily Roberts and President Nancy Kraus.

Emily Roberts, Secretary
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Nancy Kraus, President
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MEMORANDUM

SAN BRUNO COMMUNITY FOUNDATION

DATE:

July 17, 2014

TO:

Board of Directors, San Bruno Community Foundation

FROM:

Nancy Kraus, Frank Hedley, and Dr. Regina Stanback Stroud

Board Committee for Executive Director Recruitment and Selection

Process

SUBJECT:

Receive Report from Board Committee Regarding Recruitment and

Selection of Executive Director: Consider Selection of The 360 Group

to Provide Executive Recruitment Services to the SBCF

At its meeting of May 15, 2014, the San Bruno Community Foundation (SBCF) appointed a Board committee consisting of President Nancy Kraus and Board Members Frank Hedley and Dr. Regina Stanback Stroud to develop a selection process for an Executive Director. The Board ratified the appointment of the Committee at its meeting on June 19, 2014, and instructed the Committee to return to the Board at the July meeting with a recommendation for proceeding with a search to recruit an Executive Director for the Foundation.

Since that time, the Committee has researched and screened a number of search firms in the Bay Area, narrowing down that process to two firms. The focus of the Committee's research was looking at search firms who have successfully recruited CEOs and Executive Directors for local foundations, and, the cost to provide those services.

One of the two firms that emerged from the Committee's search is a well-established, internationally experienced and respected firm who recently conducted the search for CEO of a large, local foundation. Meeting with that firm resulted in that firm's highly enthusiastic recommendation of a smaller firm based in San Francisco, The 360 Group. Further, the cost of engaging the larger firm was viewed by the Committee to be beyond what the Committee was comfortable recommending to the Board. It was clear in this conversation as well that retaining larger firms would be equally as costly.

The Committee has met twice with The 360 Group and was joined at the second meeting by the City Manager and the City Attorney. The Committee asked The 360 Group to submit to the Board a proposal for comprehensive services including a compensation study, development of job description, search process and organizational consulting in the short term which would include one-on-one meetings with Board

SBCF Mtg Date: 1-17-14

members and advising the Board on, for example, employee arrangements such as affiliate fund relationships, fiscal sponsorships, etc.

The firm's fees are competitive with the research the Committee conducted. The firm believes that it can fulfill the Board's desire to have an Executive Director in place by January 1, 2015.

Due to a previous commitment, The 360 Group is not able to attend the Board meeting on July 17th, but it will submit a written proposal before the meeting that will be provided to the Board. In the meantime, the Board may view the organization's website at www.the360group.us/.

The options the Committee suggests the Board consider are: a) approve a contract with The 360 Group on the terms and conditions described in the written proposal to be provided; b) defer the decision to the August meeting or a special meeting at such time as The 360 Group can be present; or c) direct the Committee to submit additional information or proposals for consideration.

MEMORANDUM

SAN BRUNO COMMUNITY FOUNDATION

DATE:

July 17, 2014

TO:

Board of Directors, San Bruno Community Foundation

FROM:

Marc L. Zafferano, City Attorney

SUBJECT: Receive Oral Report from City Treasurer Regarding Investment

Status and Strategy

The City Treasurer will be presenting an oral report at the meeting regarding the status of the funds invested on behalf of the SBCF and potential strategies for investments in the near future. For reference, attached to this staff report as Exhibit A is the City's Investment Policy, which was amended by the City Council on March 27, 2012. The amendments are indicated in the shaded portions of the policy.

CITY OF SAN BRUNO INVESTMENT POLICY

March 27, 2012

INTRODUCTION

GOALS

The investment policy of the City of San Bruno is based upon state law, city ordinances and the prudent money management rule. The primary goals of this policy are:

- 1. To ensure compliance with all State and Local laws governing the investment of monies in the custody of the City Treasurer.
- 2. To protect the principal monies entrusted to the City Treasurer by diversifying among a variety of securities and financial institutions offering independent returns.
- 3. To generate the maximum amount of investment income within the parameters of prudent risk management, liquidity management and the requirements of safety and credit quality.
- 4. To meet the daily cash flow demands of the City.

The monies entrusted to the City Treasurer constitute the "Investment Pool" or the "Portfolio" referred to in this document. However, the monies to be received by the City in connection with the Settlement Agreement with PG&E shall not be part of the Investment Pool or Portfolio, and instead shall be invested separately as set forth herein.

IMPLEMENTATION

DELEGATION OF AUTHORITY

Management responsibility for investments belongs to the Treasurer for the City of San Bruno, who shall establish procedures for the operation of an investment program consistent with this investment policy and perform investment transactions. These procedures will include references to safekeeping, wire transfer agreements, banking service contracts, and collateral/depository agreements. The Treasurer shall be

responsible for all transactions undertaken.

The Treasurer may, in accordance with provisions of the Government Code, appoint a Deputy City Treasurer who shall perform the duties of Treasurer in the absence of the Treasurer. Such deputy shall not be a part of the City's Civil Service System or an appointee of the City Council.

SCOPE

The Treasurer is responsible for investing the unexpended cash in the City Treasury. This investment policy applies to all the investment activities of the City of San Bruno, except for the Public Employees Retirement System, Deferred Compensation Funds and bond proceeds where the bond documents specify a Trustee other than the City Treasurer. The financial assets of all funds, with these three noted exceptions, shall be administered in accordance with the provisions of this policy.

OBJECTIVES

Objectives have been set in order to achieve the goals of this investment policy. The primary objectives, in priority order, of the City of San Bruno's investment policy are:

A. Safety of Principal

Safety of principal is the foremost objective of the City of San Bruno. With each investment transaction the Treasurer shall seek to ensure that capital losses are avoided, whether these losses are from securities default, broker-dealer default, or erosion of market value. The City shall seek to preserve principal by mitigating the two types of risk: credit risk and market risk.

- 1. **Credit risk**, defined as the risk of loss due to failure of the issuer of a security shall be mitigated by investing in only very safe securities (see list of Authorized Investments), and by diversifying the investment portfolio so that the failure of any one issuer does not unduly harm the City's cash flow.
- 2. **Market risk**, defined as the risk of market value fluctuations due to overall changes in the general level of interest rates, shall be mitigated by structuring the portfolio so that securities mature at the same time that major cash outflows occur, thus eliminating the need to sell securities prior to their maturity. It is explicitly recognized herein, however, that in a diversified portfolio, occasional measured losses are inevitable and will be considered within the context of overall investment return.

Further guidelines for safety of principal shall include:

- 1. Limiting the Portfolio's exposure to each issue and each issuer of debt.
- 2. Determining minimum credit requirements for firms that hold City monies.

B. Liquidity

The City of San Bruno's investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements which might be reasonably anticipated. The Portfolio shall maintain a position of at least 50% in "readily marketable" securities, i.e., those securities that are actively traded in the secondary market.

C. Return on Investment

Return on investments shall be a market average rate of return governed by the objectives of safety and liquidity in accord with prudent investment principles and shall be consistent with other public agencies who have similar policies.

PRUDENCE

Generally, investments shall be made in the context of the "Prudent Investor Standard" rule, which states:

"...investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence would exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived."

Officers acting in accordance with written procedures and the investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

ETHICS AND CONFLICTS OF INTEREST

The Investment Officers, i.e., the City Treasurer and Deputy City Treasurer, shall be governed by the "Code of Ethics" and the "Code of Professional Conduct" of the California Municipal Treasurer's Association. The Investment Officers shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

Investment Officers shall disclose any material financial interests in financial institutions

that conduct business within this jurisdiction, and they shall further disclose any large personal financial positions that could be related to the performance of the City of San Bruno's portfolio. Investment Officers shall subordinate their personal investment transactions to those of the City of San Bruno, particularly with regard to the timing of purchases and sales.

Investment Officers shall avoid any transaction that might impair public confidence in the City's ability to govern effectively. The Investment Officers shall comply with all relevant state laws governing financial conflict of interest.

At all times, the Investment Officers shall act as custodians of the public trust.

PROCEDURES

MATURITIES

Maturities shall be selected to anticipate cash needs, thereby eliminating the possibility of the need for forced investment liquidation. Cash flow estimates shall be prepared in a prudent manner.

To insure that funds are always available when needed, the City shall maintain a position of investing no greater than 33% of the portfolio in maturities greater than one year. Further, investments which exceed five years in maturity, shall require authorization by the City Council prior to purchase.

INTERNAL CONTROL

The Treasurer shall establish an annual independent review by an external auditor as required by Governmental Accounting Standards Board Statement #5. The purpose of this review shall be to consider means for improved future performance, and to verify that investments have been made in accordance with the City's policies and procedures.

SAFEKEEPING OF SECURITIES

To protect against potential losses through individual securities dealers, all securities owned by the City (including collateral on repurchase agreements), shall be held in the City's name in safekeeping by a third party bank trust department. Said trust department shall act as agent for the City of San Bruno pursuant to a custody agreement between the bank and the City. All securities shall be received and delivered using standard delivery-versus-payment procedures. The Custodian shall provide safekeeping receipts of all securities held.

QUALIFIED DEALERS

The City shall transact business only with banks, savings and loans, and investment securities dealers. The dealers must be primary dealers regularly reporting to the Federal Reserve Bank. The Treasurer shall investigate dealers wishing to do business with the City and determine if they are adequately capitalized, make markets in securities appropriate to the City's needs, and are recommended by managers of portfolios similar to the City's.

All financial institutions and securities dealers who desire to engage in investment transactions with the City of San Bruno shall submit a certification. The document shall certify that the supervising officer has reviewed the City's investment policy and agrees to disclose potential conflicts or risks to public funds that might arise out of business transactions between the firm/depository and the City of San Bruno. Employers of any financial institution offering securities or investments to the City of San Bruno shall be trained in the precautions appropriate to public sector investments and shall be required to familiarize themselves with this policy.

When two or more investment opportunities offer essentially the same maturity, yield, quality and liquidity, the City of San Bruno shall seek to promote local economic development by giving priority to the financial institutions in San Bruno, then San Mateo County, and then California.

The City shall at least annually send a copy of the current investment policy to all dealers approved to do business with the City. Confirmation of receipt of this policy shall be considered evidence that the dealer understands the City's investment policies, and intends to show the City only appropriate investments.

An annual review of the financial condition and registrations of qualified financial institutions and securities dealers shall be conducted by the Treasurer. In addition, a current audited financial statement is required to be on file for each financial institution and securities dealer in which the City of San Bruno invests.

REPORTING

The City Treasurer shall prepare a monthly investment report. The report shall be placed on the consent calendar of the second regular City Council meeting of each month, unless no such meeting is held in which case the matter shall be deferred to the following meeting.

The report shall identify the type of investment, institution, settlement and maturity dates, purchase price and coupon rate. Current book value, current market value and yield to maturity rate shall be given for all securities with a maturity date exceeding twelve months.

INVESTMENTS AND STRATEGIES

AUTHORIZED INVESTMENTS

The City is governed by California Government Code, Sections 53600 et seq. Within the context of these limitations, the following investments are authorized as further limited herein:

- A. United States Treasury Bills, Bonds and Notes, or those instruments for which the full faith and credit of the United States are pledged for payment of principal and interest. There is no limitation as to the percentage of the portfolio which can be invested in this category. With respect to those monies received by the City pursuant to the Settlement Agreement with PG&E, 100% shall be invested in the instruments described in this subsection (A).
- B. Obligations issued by the United States Government Agencies such as the Government National Mortgage Association (GNMA), the Federal Farm Credit Bank System (FFCB), the Federal Home Loan Bank Board (FHLB), the Federal National Mortgage Association (FNMA) and the Student Loan Marketing Association (SLMA). Although there is no percentage limitation of the dollar amount that can be invested in these issues, the "prudent investor" rule shall apply for any single agency name.
- C. Local Agency Investment Fund (LAIF). The City may invest in LAIF, a pool established by the State Treasurer for the benefit of local agencies up to the maximum amount permitted by LAIF. The maximum to be invested in LAIF shall be approximately 33% of the entire portfolio.
- D. **San Mateo County Pool.** The City may invest in the San Mateo County Pool, which is under the direction of the County Tax Collector-Treasurer. The County makes direct deposits of subventions and taxes into the City's account with the pool. The monies deposited may remain in the account until needed for disbursements by the City. The maximum to be invested in the San Mateo County Investment Pool shall be approximately 33% of the entire portfolio
- E. Time Deposits (CD). The City may invest in nonnegotiable time certificates of deposit issued by a national or state chartered bank or federal savings and loan association rated C or better by Sheshunoff Information Services Inc. CDS are collateralized. If the collateral is government securities, 110% of the market value to the face amount of the deposit is required. Promissory notes secured by first mortgages and first trust deeds used as collateral require 150% of market value to the face amount of the deposit. The City may waive the first \$100,000.00 of collateral security for such deposits if the institution is insured pursuant to federal law. In order to secure such deposits, an institution shall maintain in the collateral pool securities having a market value of at least 10% in excess of the total amount deposited.

The maximum term for deposits shall be one year. Since time deposits are not liquid, no more than 15% of the portfolio may be invested in this category. The issuer firm should have been in existence for at least five years and be based in California. In general, the issuer must have a minimum 3% net worth to assets ratio, have \$90 Million in assets and its operation must have been profitable during its last reporting period.

F. Ineligible Investments. Investments not described herein, including, but not limited to common stocks, corporate bonds, mutual funds, reverse repurchase agreements, bills of exchange, time drafts, banker's acceptance, repurchase agreements, commercial paper inverse floaters and "derivatives," shall be considered ineligible investments for the City of San Bruno. Leveraging shall not be used.

TRADING

The City shall not make investments for the purpose of trading or speculation as the dominant criterion, such as anticipating an appreciation of capital value through changes in market rates.

SWAPPING OF SECURITIES

A swap is the movement from one security to another and may be done for a variety of reasons, such as to increase yield, lengthen or shorten maturities, to take a profit, or to increase investment quality. Losses or gains on security swaps must be recorded as a completed sale and purchase. The City's portfolio is mainly held to maturity; swaps are allowed only to enhance the portfolio, but not as a regular investment tool.

PORTFOLIO ADJUSTMENTS

Should an investment percentage of portfolio limitation be exceeded due to an incident such as fluctuation in portfolio size, the affected securities may be held to maturity to avoid losses. When no loss is indicated, the treasurer shall consider reconstructing the portfolio basing the decision in part on the expected length of time the portfolio will be imbalanced.

POLICY REVIEW

This investment policy shall be reviewed by the City Council at a public meeting annually to ensure its consistency with the overall objectives of preservation of principal, liquidity, rate of return, and its relevance to current law and financial and economic trends. Amendments and modifications to the policy shall be approved by the City Council prior to implementation.

MEMORANDUM

SAN BRUNO COMMUNITY FOUNDATION

DATE:

July 17, 2014

TO:

Board of Directors, San Bruno Community Foundation

FROM:

Marc L. Zafferano, City Attorney

SUBJECT:

Receive Report and Provide Direction Regarding Operating Norms

and Policies for SBCF Activities

As the SBCF continues to move toward full operations, it should consider adopting both operating *norms* and *policies*. This memo addresses both topics and requests that the Board discuss the specific issues and provide direction to return at a subsequent meeting with final documents for review and approval.

During its January 25, 2014 workshop, the Board of Directors discussed possible operating norms for the SBCF. Below are the *norms* that were agreed upon at that meeting:

- Email response time will be within two business days. Emails marked "Urgent" will be responded to within 24 hours.
- · Emails will be as concise as possible.
- Any Board Member addressed in the "To:" line of an email is expected to take action. Any in the "CC:" line should consider the email informational and not requiring action.
- Text messaging and phone calls should be used when a matter needs urgent attention to ensure that the emails are reviewed in the above time frames.
- The Board of Directors will receive their Board Packet by email no less than 72
 hours prior to a meeting. Packet preparation time will be no less than seven (7)
 days.
- Each Board Member is responsible for bringing his or her own materials, including Board Packet, to each meeting.

There are several categories of *policies* that the Board should consider. Attached to this staff report are the most recent City ordinances (Attachment 1) and policies (Attachment 2) that apply to the conduct of City Council meetings, and City functions in general. Those relevant to the SBCF are discussed below. Unlike the City, the SBCF has bylaws that address many of the topics covered in the City's policies, and therefore those topics are not repeated here. The SBCF has also adopted Rosenberg's Rules of Order to

its parliamentary procedures. Accordingly, the categories listed below are limited to those not otherwise addressed in those documents.

Agendas and Conduct of Board Meetings:

Notice of place, date, and time of regular and special meetings; other state law provisions regarding meetings: City ordinances prescribe the details of when and where meetings will occur, and the Board could adopt a policy that reflects its adopted Resolution on these matters as well. City ordinances also reflect the mandates of the Brown Act and other provisions of state law with respect to emergency meetings, closed sessions, continuances, and disorderly conduct at meetings. The Board could consider adopting policies consistent with the most recent versions of state statutory and case law regarding these topics. But because these laws change over time, sometimes frequently, City staff recommends that the Board instead adopt a policy indicating that it will comply with state law then in effect regarding these topics, which is consistent with a similar statement in the Bylaws. This eliminates the problem of those policies becoming obsolete and needing constant monitoring and revision.

Agenda Format: It is proposed that agendas for Board meetings be in substantially the same form as are being used now. This format has been tested at many other public meetings of the City, and the public is familiar with it. While the Board could consider rearranging the order of certain items (public comment at the beginning, announcements at the end, for example), the Board Chair retains discretion to do so if warranted at a particular meeting.

Public Comment: Staff proposes that each member of the public be allowed three minutes to comment on agenda items; this is the same as for public comment on items not on the agenda. The Board Chair would retain discretion to alter the amount of time given the number of individuals wishing to speak and the allotted time for the meeting.

Board Questions: When possible, it is recommended that Board Members who have questions or need additional information about a staff report or other item contact staff in advance of the meeting, so that staff can research the issue and be prepared to address it at the meeting.

Agenda-Setting: There are several potential ways an item could be proposed for placement on a Board agenda: by the Board as a whole (or one or more members of the Board), by the Executive Committee, by staff (eventually the Executive Director), or by a member of the public. Items that appear on Board agendas should be appropriate for Board discussion and decision, timely, and thoroughly analyzed by staff. To meet these goals, proposed agenda items should be first vetted by the Executive Committee and staff. It is common for a majority of the Board to have the independent authority to place an item on the agenda.

Staff Reports: The purpose of a staff report is to inform the Board and the public about the substance of an item on the agenda. It is recommended that staff reports include a complete discussion, analysis, recommendations, and alternatives as appropriate regarding the topic under consideration.

Minutes: Minutes of Board meetings shall be in substantially the format and include the level of detail as adopted by the Board at its prior meetings.

Role of the Executive Committee:

The Executive Committee was appointed in accordance with the Bylaws. Working with staff, the Executive Committee should meet regularly to discuss follow-up items from the prior Board meeting and develop the agenda for the next Board meeting.

Appointment and Operation of Board Committees:

Appointment: The Bylaws require that Committees consisting solely of Board members be appointed by majority vote.

Composition: Board Committees should be composed of less than a quorum of the full Board, otherwise the Committee meetings would automatically be subject to the Brown Act.

Brown Act: Board Committees that have a continuing subject matter jurisdiction are required to notice and conduct their meetings in accordance with the Brown Act. Ad hoc Committees of less than a quorum of the full Board, which are appointed for a specific purpose and for a limited duration, are not required to comply with the Brown Act.

Operation: When a Board Committee is appointed, it is recommended that the Board discuss the role of the Committee and agree on its scope of work by majority vote. Committees should provide an oral report to the Board when requested or at the appropriate time to inform the Board regarding the progress of their assignment and any recommendations. Draft staff reports prepared as a result of Subcommittee meetings should be shared with the Committee prior to being finalized.

Appointment and Operation of Advisory Committees:

Appointment: The Bylaws require that Advisory Committees consisting of Board members and members of the public be appointed by majority vote.

Composition: Advisory Committees should include less than a quorum of the full Board, but may otherwise include any number of members of the public.

Brown Act: Advisory Committees are required to notice and conduct their meetings in accordance with the Brown Act.

Operation: When an Advisory Committee is appointed, the Board should discuss the role of the appointed Committee and agree on its scope of work by majority vote. Advisory Committees should provide an oral report to the Board when requested or at the appropriate time to inform the Board regarding the progress of their assignment and any recommendations. Draft staff reports prepared as a result of Advisory Committee meetings should be shared with the Advisory Committee prior to being finalized.

Selection of Officers:

The bylaws provide that the Board will choose officers (president, vice-president, secretary, treasurer) annually. Officers are subject to ratification by the City Council pursuant to its reserved powers. The City Council, in appointing the initial Board, also exercised its authority to appoint the initial group of officers.

One option is for the Board to retain the current offices in their current positions for an additional year.

Another option is for individual Board members to offer nominations for each position. The Board would then vote on each nomination for each position in sequence.

A third option is for the Board to appoint a Board committee to develop a slate of officers, which would be presented to the Board for a vote.

A fourth option is for the Board to adopt a rule that rotates current officers into new officer positions, while providing an opportunity for non-officers to enter the rotation by becoming officers.

Role and Authority of the Executive Director:

The Board is in the process of retaining a firm to conduct a search for an Executive Director. A job description will be developed as part of this process. The SBCF has not yet decided whether an administrative assistant would also be hired. In general, it is anticipated that the Executive Director would report to the President for day-to-day operations and to the Board as a whole for policy matters, and will have the duty and authority to administer the affairs of the organization. Once a job description has been finalized, specific polices can be developed to reflect the position and its authority. Issues to consider are signature authority, personnel authority, responsibilities regarding budget, grant making, and fundraising (if any).

Communications:

It is recommended that only the President (or designee if unavailable) and the Executive Director have the authority to represent or speak for the organization when so directed or authorized to do so by a majority of the Board.

It is also recommended that until an Executive Director is hired, the President and other Board members receive copies of correspondence directed to any of them or the SBCF. The President will work with staff to reply and provide a copy to the Board.

At the January 25, 2014 workshop, the Board Members agreed to support the process that the Board has created to make its decisions.

Following Board discussion and any public input, it is recommended that the Board provide direction to return at the next meeting with a resolution that incorporates the desired norms and policies for SBCF activities.

Chapter 2.04

CITY COUNCIL

Sections:	
2.04.010	Form of government.
2.04.015	Councilmember.
2.04.020	Regular meetings—Day and
	time.
2.04.030	Regular meetings-Place.
2.04.040	Special meeting-Procedure.
2.04.050	Special meetings—Emergency
	situations.
2.04.060	Meetings-Adjournments and
	continuances.
2.04.070	Hearings.
2.04,080	Closed sessions.
2.04.090	Disorderly conduct during
	meetings.
2.04.100	Canvassing of municipal
	election returns-Installation of
	officers.
2.04.110	Selection of vice mayor.
2.04.120	Duties of mayor and vice mayor.
2.04.130	Rules of procedure.
2.04.140	Salaries of city councilmembers.

2.04.010 Form of government.

The city of San Bruno is a general law city with a council-manager form of government. The city is governed by a five member city council elected by the voters of the city at large in accordance with state law. (Ord. 1349 § 1, 1980: prior code § 2-1.1)

2.04.015 Councilmember.

A. Those qualifications for the office of Councilmember shall be as stated in Title 4, Division 3, Part 1 of the Government Code (beginning at § 36501).

B. There is no limit to the number of successive or consecutive terms a councilmember may serve. (Ord. 1486 § 4, 1988)

2.04.020 Regular meetings—Day and time.

Regular meetings of the city council shall be held on the second and fourth Tuesday, at seven p.m. except that no regular meeting shall be held on the fourth Tuesday in December. If at any time any regular meeting day falls on a legal holiday, such regular meeting shall be held on the next business day. Except as provided in Section 2.04.080, all meetings shall be open and public. (Ord. 1608 § 2, 1999)

2.04.030 Regular meetings—Place.

The regular meetings shall be held in the interim council chambers at the Senior Center, 1555 Crystal Springs Road, San Bruno. If, by reason of fire, flood, earthquake or other emergency, it shall be unsafe to meet at said place, the meeting may be held for the duration of the emergency at such place as may be designated by the mayor or, in his or her absence, by the presiding officer of the council. (Ord. 1636 § 2, 2001)

2.04.040 Special meeting—Procedure.

A special meeting may be called at any time by (1) the mayor, or in his or her absence, by the presiding officer of the city council, or (2) by a majority of the members of the city council. Such meeting shall be called by delivering personally or by mail written notice to each member of the city council and to each local newspaper of general circulation, radio or television station requesting notice in writing. Such notice shall be delivered personally or by mail at least twenty-four hours before the time of such meeting as specified in such notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes, files with the city clerk a written waiver of such notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. (Ord. 1349 § 1, 1980; prior code § 2-1,2(c))

2.04.050 Special meetings—Emergency situations.

In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the city council may hold a special meeting without complying with the twenty-four-hour notice requirement of Section 2.04.040. Each local newspaper of general circulation and radio or television station which has requested notice of special meetings pursuant to Section 54956 of the Government Code shall be notified by the mayor, or in his or her absence, by the presiding officer one hour prior to the special meeting by telephone and shall exhaust all telephone numbers provided in the most recent request of such newspaper or station for notification of special meetings. In the event that telephone services are not functioning, the notice requirements of this section shall be deemed waived, and the city council or its designee shall notify such newspapers. radio stations, or television stations of the fact of the holding of the special meeting, its purpose, and any action taken thereat as soon after the meeting as possible. The city council shall not meet in executive session during a meeting called pursuant to this subsection.

B. For purposes of this section, "emergency situation" means any of the following: (1) work stoppage or other activity which impairs public health, safety, or both, as determined by a majority of the city council, or (2) crippling disaster which severely impairs public health, safety, or both, as determined by a majority of the city council. (Ord. 1349 § 1, 1980: prior code § 2-1.2(d))

2.04.060 Meetings—Adjournments and continuances.

The city council may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members of the city council are absent from any regular or adjourned regular meeting, the city clerk may declare the meeting

adjourned to a stated time and place and shall cause a written notice of the adjournment to be given in the manner as provided by Section 2.04.040 for special meetings, unless such notice is waived as provided for special meetings. A copy of the order of adjournment shall be conspicuously posted on the door to the Council Chambers, or such other place as the meeting was held, within twenty-four hours after the time of adjournment. When a regular or adjourned meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment fails to state the hour at which the adjourned regular meeting is to be held, it shall be held at the hour specified for regular meetings. (Ord. 1349 § 1, 1980; prior code § 2-1.2(e))

2.04.070 Hearings.

Any hearing being held, noticed, or ordered to be held by the city council may be continued or recontinued, by order or notice of continuance, to a subsequent meeting of the city council in the same manner and to the same extent as set forth in Section 2.04.060 for adjournment of meetings; provided that if the hearing is continued to a time less than twenty-four hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance shall be posted immediately following the meeting at which the order or declaration of continuance was adopted or made. (Ord. 1349 § 1, 1980: prior code § 2-1.2(f))

2.04.080 Closed sessions.

The city council may hold closed sessions during a regular or special meeting for the following purposes:

A. Personnel matters: To consider the appointment, employment, or dismissal of a public employee, to hear complaints or charges brought against such employee by another person or employee unless such employee requests a public hearing. The city council may exclude from any such public or private meeting, during the examination of a witness, any or all other witnessing the

matter being investigated. For purposes of this subsection, the term "employee" shall include the city manager, the city attorney, department heads of the city, and other similar administrative officer, but such term shall not include any other person appointed to an office by the mayor or the city council.

- B. Security matters: To meet with the Attorney General, district attorney, sheriff, chief of police, or their respective deputies, on matters posing a threat to the security of public buildings or a threat to the public's right of access to public services or public facilities.
- C. Labor negotiations: To meet with its designated representatives prior to and during consultations and discussions with representatives of employee organizations regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of employees in order to review its position and instruct its designated representatives.
- D. Litigation matters: To meet with its legal counsel to discuss pending or threatened litigation, to the extent permitted by law.

The city council shall publicly report at its next public meeting any action taken, and the roll call vote thereon, to appoint, employ, or dismiss a public employee arising out of any closed session of the city council. (Ord. 1349 § 1, 1980: prior code § 2-1.2(g))

2.04.090 Disorderly conduct during meetings.

In the event that any meeting is wilfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible, and order cannot be restored by the removal of individuals who are wilfully interrupting the meeting, the members of the city council conducting the meeting may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Duly accredited representatives of the press or other news media, excepting those participating in the disturbance, shall be allowed to attend

any session held pursuant to this section. (Ord. 1349 § 1, 1980: prior code § 2-1.2(h))

2.04.100 Canvassing of municipal election returns—Installation of officers.

The city council shall meet in the council chambers of the City Hall at seven-thirty p.m. on the Tuesday next succeeding the date of each general or special municipal election. At such meetings, the city council shall canvass the returns of such election, declare by resolution the results thereof, administer oaths of office, and install newly elected officers. (Ord. 1349 § 1, 1980: prior code § 2-1.3)

2.04.110 Selection of vice mayor.

- A. At such meeting, the city council, after the installation of the newly elected officers, shall select one of its members as mayor pro tempore. The mayor pro tempore shall be known as the vice mayor. The vice mayor shall serve as such for a period of one year until the first regular meeting of the city council, of the same month in the following year. At such meeting, a new vice mayor shall be selected for a one-year period terminating on the Tuesday next succeeding the general municipal election of the following year.
- B. The vice mayor shall be selected from among the members of the city council who have not served as mayor or vice mayor. If all of the members of the council have served as either mayor or vice mayor, the vice mayor shall be the person whose service as mayor or vice mayor was least recent. (Ord. 1349 § 1, 1980: prior code § 2-1.4)

2.04.120 Duties of mayor and vice mayor.

- A. The mayor shall preside at all meetings of the city council and, except as otherwise specifically provided by statute, shall make all appointments to and removals from boards, commissions, and committees, subject to the approval of the city council.
- B. In the absence or incapacity of the mayor, or upon the specific delegation of the mayor, the

vice mayor shall perform the functions of the mayor and shall have all of the powers and duties thereof.

C. In the absence of the mayor and the vice mayor, the city council shall select a temporary presiding officer. The meeting shall be called to order by the city clerk, and selection of the temporary presiding officer shall be the first order of business. (Ord. 1349 § 1, 1980; prior code § 2-1.5)

2.04.130 Rules of procedure.

The city council shall adopt by resolution rules of procedure for the conduct of its meetings. (Ord. 1349 § 1, 1980: prior code § 2-1.6)

2.04.140 Salaries of city councilmembers.

- A. Salaries to be Based on Population. This section is enacted pursuant to Section 36516 of the Government Code, authorizing the city council to provide by ordinance that each member thereof shall receive a prescribed salary, the amount of which is based upon the population of the city as determined by estimates made by the state department of finance.
- B. Population of City. As of the date of adoption of this section, the estimates of population of the city made by the department of finance shows that the city is within the thirty-five thousand to fifty thousand population group.
- C. Salaries Established. Each member of the city council shall receive, as salary, the sum of four hundred eighty-six dollars per month. Said salary shall be payable from and after the date upon which one or more members of the city council begin a new term of office following the November 6, 2001 election, in the same manner as salaries are payable to other officers and employees of the city.
 - D. Increase or Decrease in Salaries.
- 1. Following any new and later estimate of population by the department of finance placing the city in a population group other than that set forth in subsection C, the salary payable to each member of the city council shall be increased or decreased accordingly to equal the sum prescribed for that population group in Section 36516 of the Govern-

- ment Code. The salary so increased or decreased shall become payable only on and after the date upon which one or more members of the city council become eligible therefor by virtue of beginning a new term of office following the next succeeding municipal election.
- Notwithstanding the limitations contained in Section 36516 of the Government Code with respect to increases or decreases in salaries of councilmembers, the compensation of councilmembers may be increased beyond the amount provided in said section by an ordinance enacted by the city council, or an amendment to such ordinance, but the amount of such increase may not exceed an amount equal to five percent for each calendar year from the operative date of the last adjustment of the salary in effect when the ordinance or amendment thereto was enacted: provided, that no salary ordinance shall be enacted which provides for automatic future increases in salary. (Ord. 1649 § 1, 2001; Ord. 1583 § 1, 1996; Ord. 1466 § 1, 1986; Ord. 1447 § 1, 1985; Ord. 1415, § 1, 1982; Ord. 1360 § 1, 1980; Ord. 1349 § 1, 1980: prior code § 2-1.7)

CITY COUNCIL RULES OF PROCEDURE

Section 100. Meetings. Meetings of the city council shall be held in accordance with Section 2-1.2 of the San Bruno City Code.

Section 101. Agenda. All reports, communications, ordinances, resolutions, contract documents or other matters to be submitted to the council at a regular meeting shall be delivered to the city clerk not later than twelve noon on the Tuesday preceding the meeting. The city clerk shall prepare the agenda of all such matters the content of which shall be subject to the approval of the city manager. The agenda shall be delivered to the council members on the Wednesday preceding the Monday council meeting to which it pertains and shall be made available to the public immediately thereafter. If the mayor or city manager determines that a matter is urgent, it may be added to the agenda thereafter.

Section 102. Council correspondence.

- A. Availability to the Public. Correspondence addressed to the city council which is received by the city clerk or any other officer or employee of the city shall become a public record upon receipt and being filed by the council; provided, however, that this requirement shall not apply to mail consisting of general advertising matter, or to mail which was erroneously directed to city officials rather than officials of another public agency. Correspondence received after twelve noon on the Tuesday preceding a regular council meeting shall not be placed on the agenda unless it concerns a matter to be considered by the council at the next regular meeting or is determined by the mayor or the city manager to be an urgent matter. Correspondence shall not be read aloud at a council meeting unless requested by a member of the council. This paragraph does not require correspondence to be distributed to the council with inquiries or complaints if such correspondence is handled by the city manager or his designees.
- B. Authority of the City Manager. The city manager and the mayor are authorized to open and examine all mail or other written communications addressed to the city council and to give it immediate attention to the end that all administrative business referred to in the communications and not requiring council action may be acted upon between council meetings. The city manager or his designees may handle written inquiries and complaints, and the city manager shall inform the city council as to the manner of resolution of such inquiries or complaints. This section does not authorize the opening of mail or written communications by the mayor or city manager of (1) a written communication to a member of the city council which is designated "confidential" or "private" or a similar designation on the transmittal envelope; or (2) a written communication to an individual member of the city council which is not part of a mailout to all council members which is addressed individually.

Section 103. Order of business.

- A. The business of the city council shall be taken up for consideration and disposition in the following order:
 - 1. Call to order;
 - Roll call;
 - Pledge of allegiance;
 - 4. Consent calendar. All matters listed under consent calendar are considered to be routine by the council and will be enacted in one motion in the form listed in this section. There will be no separate discussion of these items. If discussion is required, that item will be removed from the consent calendar and will be considered separately at the conclusion of the consent calendar. Vote may be by roll call.

- . Minutes;
- b. Register of demands;
- c. Claims and litigation;
- d. Other.
- 5. Public hearings;
- 6. Unfinished business;
- Call for bids; presentation of bids; award of contracts.
- 8. Communications:
- 9. Staff reports;
- 10. Report of commissions, boards, and committees.
- Report of city attorney resolutions and ordinances.
- 12. New business;
- 13. Public discussion;
- 14. Adjournment.
- B. The order of business shall not be changed except by majority vote of the council.
- C. The council may conduct executive session at any point on the agenda.
- Section 104. Meetings -- Minutes. The city clerk shall have exclusive responsibility for preparation of the minutes, and any directions for changes in the minutes shall be made only by majority action of the city council. Unless the reading of the minutes of a council meeting is ordered by a member of the council, such minutes may be approved without reading if the city clerk has previously furnished each council member with a copy.

Section 105. Meetings --presiding officer.

- A. The mayor shall be the presiding officer at all meetings of the city council. In the absence of the mayor, the vice-mayor shall preside. In the absence of both the mayor and vice-mayor, the city clerk shall call the council to order, whereupon a temporary presiding officer shall be elected by the councilmen present to serve until the arrival of the mayor or vice-mayor or until adjournment. Wherever in in this chapter "mayor" is used, it applies equally to the presiding officer as defined in this section.
- B. The presiding officer may move, second, debate and vote from the chair.
- Section 106. Seating arrangement. The mayor shall, following each council election and at such other time as he may deem it necessary, establish the seating arrangement of the members of the council. The vice-mayor shall always be seated immediately next to the mayor.
- Section 107. Procedures on questions. The presiding officer or such member of the city staff as he may designate shall verbally restate each question immediately prior to calling for the vote. Following the vote, the city clerk shall announce whether the question carried or was defeated. The presiding officer in his discretion may publicly explain the effect of a vote for the audience, or he may direct a member of the city staff to do so before proceeding to the next order of business.

- Section 108. Presiding officer -- document signing. The presiding officer shall sign all ordinances, resolutions, contracts and other documents necessitating his signature which were adopted in his presence, unless he is unavailable, in which case the signature of an alternate presiding officer may be used.
- Section 109. Sworn testimony. The presiding officer may require any person addressing the city council to be sworn as a witness and to testify under oath, and the presiding officer shall so require if directed to do so by a majority vote of the council.
- Section 110. Selection of vice-mayor. The vice-mayor shall be selected annually in accordance with Section 2-1.4 of the San Bruno Municipal Code.

Section 111. Rules of debate.

- A. Getting the Floor. Every council member desiring to speak shall first address the chair, gain recognition by the presiding officer, and shall confine himself to the question under debate, avoiding personalities and indecorous language.
- B. Questions to Staff. Every council member desiring to question the city staff shall, after recognition by the presiding officer, address his questions to the member of the staff, through the chair, from whom the information is desired.
- C. Interruptions. A council member, once recognized, shall not be interrupted when speaking unless called to order by the presiding officer, unless a point of order or personal privilege is raised by another council member, or unless the speaker chooses to yield to a question by another council member. If a council member, while speaking, is called to order, he shall cease speaking until the question of order is determined, and if determined to be in order, he may proceed. Members of the city staff after recognition by the presiding officer shall hold the floor until completion of their remarks or until recognition is withdrawn by the presiding officer.
- D. Points of Order. The presiding officer shall determine all points of order subject to the right of any council member to appeal to the council. If an appeal is taken, the question shall be: "Shall the decision of the presiding officer be sustained?". A majority vote shall conclusively determine such question of order.
- E. Point of Personal Privilege. The right of a council member to address the council on a question of personal privilege shall be limited to cases in which his integrity, character or motives are questioned or where the welfare of the council is concerned. A council member raising a point of personal privilege may interrupt another council member who has the floor only if the presiding officer recognizes the privilege.
- F. Privilege of Closing Debate. The council member moving the adoption of any matter shall have the privilege of closing debate upon any debatable motion.
- G. Limitation of Debate. No council member shall be allowed to speak more than once upon any particular subject until every other council member desiring to do so has spoken.
- Section 112. Failure to observe rules of order. These rules are intended to expedite the transaction of the business of the council in an orderly fashion, are deemed to be procedural only, and the failure to observe such rules shall not affect the jurisdiction of the council or invalidate any action taken at a meeting that is otherwise in conformity with law.

Section 113. Council member's statement -- entering in minute. A council member may request through the presiding officer the privilege of having an abstract of his statement on any subject under consideration by the council entered in the minutes. If the council consents thereto, such statement shall be entered in the minutes.

Section 114. Protest against council action. Any council member shall have the right to have the reasons for his dissent from, or his protest against, any action of the council entered in the minutes. Such dissent or protest to be entered in the minutes shall be made in the following manner: "I would like the minutes to show that I am opposed to this action for the following reasons. ..".

Section 115. Rules of order. Except as provided in this code, other rules adopted by the city council or applicable provisions of state law, the procedures of the council shall be governed by the latest revised edition of Robert's Rules of Order.

Section 116. Addressing the council.

- A. Manner of Addressing Council. Each person desiring to address the council shall step up to the public rostrum after being recognized to speak by the presiding officer, shall state his name and address for the record, state the subject he wishes to discuss, and shall state who he is representing if he represents an organization or other persons. Unless further time is granted by majority vote of the council, each speaker shall limit his remarks to five minutes. The city council may increase or reduce the time limit for any speaker, if it deems this necessary.
- B. Avoidance of Repetitious Presentations. In order to expedite matters and to avoid repetitious presentations, whenever any group of people wishes to address the council on the same subject matter; it shall be proper for the presiding officer to do the following: (1) prohibit individual speakers from presenting cumulative testimony or remarks which express substantially the same viewpoints or opinions as presented by previous speakers; (2) request informal votes or polls of the audience on various subjects to indicate the number of persons in support or opposed to viewpoints or opinions previously expressed; (3) request that spokesmen be chosen by the group to address the council and, in case additional matters are to be presented by any other member of the group, to limit the number of persons addressing the council.
- C. After Motion. After the chair has called for the vote or a public hearing has been closed, no member of the public shall address the council from the audience on the matter under consideration without first securing permission to do so by a majority vote of the city council.

Section 117. Rules of decorum.

- A. Councilmen. While the council is in session, the members must observe order and decorum and a member shall neither by conversation nor otherwise delay or interrupt the proceedings or the peace of the council nor disturb any member while speaking nor refuse to obey the orders of the presiding officer.
- B. Employees. Members of the city staff shall observe the same rules of order and decorum as are applicable to the city council.

- C. <u>Wilful disruptions</u>. Wilful disruptions of council meetings shall be governed by Section 2-1.2(h) of the San Bruno City Code and by Section 54957.9 of the Government Code.
- Section 118. Enforcement of decorum. The chief of police, or such member of members of the police department as he may designate, shall be sergeant-at-arms of the city council and shall carry out all orders given by the presiding officer for the purpose of maintaining order and decorum at the council meetings. Any council member may move to require the presiding officer to enforce the rules and the affirmative vote of a majority of the council shall require him to do so.
- Section 119. Voting procedure. Any vote of the council, including a roll call vote, may be registered by the members by answering "yes" for an affirmative vote or "no" for a negative vote or "abstain" upon his name being called by the city clerk. The presiding officer may call for unanimous consent and, if there is no objection, the vote shall be recorded as unanimous.
- Section 120. Conflicts of interest. Members of the council are prohibited by law (a) from having financial interests in contracts made by them in their official capacity or by the council; (b) from making, participating in making, or in any way attempting to use their official positions to influence a governmental decision in which they know or have reason to know they have a financial interest. Whenever the council is about to commence consideration of a matter as to which a member has or has reason to believe that he has a conflict of interest, he shall disclose the conflict for the record, state that he shall abstain from participation or that item, leave the council seating area, and refrain from participation in the matter.
- Section 121. Failure to vote. Every council member should vote unless disqualified by reason of a conflict of interest. A council member who abstains from voting in effect consents that a majority of the quorum may decide the question voted upon.
- Section 122. Tie votes. Tie votes shall be considered lost motions and may be reconsidered.
- Section 123. Changing vote. A member may change his vote or withdraw his abstention and vote only if he makes a timely request to do so immediately following the announcement of the vote by the city clerk and prior to the time that the next item in the order of business is taken up.
- Section 124. Action reconsiderations. A motion to reconsider any action taken by the council may be made only in the meeting at which such action was taken. It may be either immediately during the same session or at a recessed or adjourned session thereof. Such motion may be made only by one of the council members who voted with the prevailing side. Nothing in this section shall be construed to prevent any council member from making or remaking the same or any other motion at a subsequent meeting of the council.

Section 125. Ordinances, resolutions, and contracts.

- A. All ordinances shall be reviewed by the city attorney. No ordinance shall be prepared for presentation to the council unless ordered by a majority vote of the council, or request by the mayor or city manager, or prepared by the city attorney on his own initiative.
- B. Prior Approval by Administrative Staff. All ordinances, resolutions and contract documents, before presentation to the council, shall have been approved as to form and legality by the city attorney and shall have been examined and approved for administration by the city manager or his authorized representative.

C. <u>Vote Required</u>. Resolutions or orders for the payment of money require the votes of at least three council members, and shall be adopted or made only at a regular meeting or at a special meeting for which the notice specifies the business to be transacted. All ordinances require the votes of at least three council members for passage, except for urgency ordinances, which require a four-fifths vote of the city council.

Section 126. Reading ordinances and resolutions. Except when, after reading the title, further reading is waived by regular motion adopted by unanimous vote of the council members present, all ordinances shall be read in full either at the time of introduction or passage. When ordinances, other than urgency ordinances, are altered after introduction, they shall be passed only at a regular or at an adjourned regular meeting held at least five days after alteration. Corrections of typographical or clerical errors are not alterations within the meaning of this section. Any council member may require that a resolution be read in full.